

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIEGO ALCANTARA,

Plaintiff,

v.

OFFICE OF THE SPECIAL NARCOTICS
PROSECUTOR FOR THE CITY OF NEW
YORK UC 133, Individually and as an
undercover officer for the Office of the Special
Narcotics Prosecutor for the City of New York,
UNITED STATES DEPARTMENT OF
JUSTICE DRUG ENFORCEMENT
ADMINISTRATION SPECIAL AGENT
MARK CRANE, UNITED STATES
DEPARTMENT OF JUSTICE DRUG
ENFORCEMENT ADMINISTRATION
SPECIAL AGENT JOHN OLDANO,
UNITED STATES DEPARTMENT OF
JUSTICE DRUG ENFORCEMENT
ADMINISTRATION SPECIAL AGENT
MICHAEL DELLAMARA, and UNITED
STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT
ADMINISTRATION Group Supervisor
NICHOLAS CARUSO, all individual USDOJ
DEA Defendants are being sued in their
individual capacities,

Defendants.

ECF Case

No. 07 Civ. 6480 (JGK)

**DECLARATION OF
DAVID BOBER**

David Bober, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for defendants Mark Crane, Michael Dellamura, Nicholas Caruso, and John Oldano. I have been assigned to this matter, and am fully familiar with the facts and the law pertaining to it. I make this declaration in support of defendant's motion to dismiss or, in the alternative, for summary judgment, pursuant

to Rules 12 and 56, respectively, of the Federal Rules of Civil Procedure.

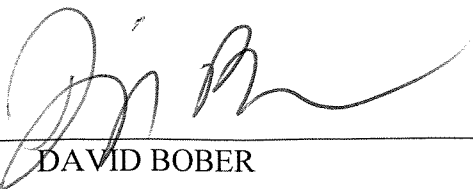
2. Attached as Exhibit A to this declaration is a true and accurate copy of the indictment in United States v. Otalvaro-Ortiz, et al., No. 04 Cr. 345 (HB) (S.D.N.Y. 2004), which was unsealed on May 3, 2004.

3. Attached as Exhibit B to this declaration is a true and accurate copy of an arrest warrant for Diego Alcantara, signed by Magistrate Judge Debra C. Freeman on April 20, 2004.

4. Attached as Exhibit C to this declaration is a true and accurate copy of an order of nolle prosequi as to Diego Alcantara, signed by Judge Baer on January 10, 2005.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 8, 2008



DAVID BOBER